

CONGRATULATORY RESOLUTIONS

H.C.R. 71 - (Johnson): Declaring March 2, 1987, as Texas TRIO Day.

H.C.R. 79 - (Sims): Honoring Saint Ann's Catholic Church of Midland on its 90th anniversary.

S.R. 148 - By Green: Commending Dr. Robert E. Leaton for the contributions he has made to the health and well being of many Texas children.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:31 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(March 3, 1987)

H.C.R. 72

H.C.R. 37

H.C.R. 76

H.C.R. 74

TWENTY-THIRD DAY

(Wednesday, March 4, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Sarpalius.

A quorum was announced present.

The Reverend Dr. Ralph Smith, Hyde Park Baptist Church, Austin, offered the invocation as follows:

Our gracious Heavenly Father, we thank You for this day of challenge and opportunity. Open our eyes to Your goodness and mercy. Guide unerringly the Senate. Help these leaders to know You love them. You have promised "if any lack wisdom let him ask of God who giveth to all liberally..." We claim that promise from Your Word today. In Jesus' name, this is our prayer for Your help. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Brown.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 203
C.S.S.B. 173
C.S.S.B. 92
C.S.S.B. 165

Senator Jones submitted the following report for the Committee on Finance:

S.B. 380
S.J.R. 12

Senator Caperton submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 243
C.S.S.B. 24
S.B. 532
S.B. 283
S.B. 282
S.B. 281

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

C.S.S.B. 355
S.B. 401
S.B. 400
C.S.S.B. 502
S.B. 320
C.S.S.B. 418
S.B. 359
C.S.S.B. 23

Senator Parker submitted the following report for the Committee on Education:

S.B. 534
C.S.S.B. 327

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the TEXAS ECONOMIC DEVELOPMENT COMMISSION: Edward O. Vetter, Dallas County.

To be Members of the PARKS AND WILDLIFE COMMISSION: Mrs. Beatrice Carr Pickens, Potter County; Charles Durham Nash, Jr., Hays County; Henry C. Beck III, Dallas County.

To be CHIEF JUSTICE, COURT OF APPEALS, FIFTH SUPREME JUDICIAL DISTRICT: Judge Craig Trively Enoch, Dallas County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 635 by Uribe Health and Human Services
Relating to the regulation of physical therapists.

S.B. 636 by Krier State Affairs
Relating to the voting rights of persons convicted of a felony.

S.B. 637 by Farabee Health and Human Services
Relating to the authority of a protection and advocacy system for the mentally ill to obtain certain confidential records and to have access to public and private facilities housing and providing care to the mentally ill.

S.B. 638 by Whitmire Intergovernmental Relations
Relating to the repayment of lost wages on reinstatement of a suspended officer or employee of certain fire or police departments.

S.B. 639 by Green Education
Relating to residence of inmates of the Texas Department of Corrections for educational purposes.

S.B. 640 by Green Jurisprudence
Relating to representation of the state in forfeiture hearings.

S.B. 641 by Green Jurisprudence
Relating to the law determining civil immunity from military actions by members of the state military forces.

S.B. 642 by Green State Affairs
Relating to special license plates for active or retired members of the Texas Army National Guard, Texas Air National Guard, or Texas State Guard.

S.B. 643 by Montford Jurisprudence
Relating to a cause of action for violation of a rule of a national collegiate athletic association.

S.B. 644 by Brown State Affairs
Relating to the imposition of a special cost on conviction of the offense of driving while intoxicated or involuntary manslaughter involving the use of a motor vehicle and to the establishment of breath alcohol testing programs.

S.B. 645 by Brown State Affairs
Relating to evidence on the reliability of an instrument designed to take or analyze breath specimens and the validity of the results of an analysis.

S.B. 646 by Brown State Affairs
Relating to the exemption from certain administrative procedures in the Administrative Procedure and Texas Register Act of contested cases of breath analysis certification suspension, revocation, or termination.

S.B. 647 by Leedom State Affairs
Relating to the definition of "issuer" with respect to short-term obligations for public utilities.

- S.B. 650** by Parker State Affairs
Relating to the regulation of certain utilities by the public utility commission.
- S.B. 651** by Parker Economic Development
Relating to the relationship between a sales representative and the representative's principal.
- S.B. 652** by Glasgow Jurisprudence
Relating to the execution of a waiver of interest in a child.
- S.B. 653** by Glasgow State Affairs
Relating to the confidentiality of birth and death records.
- S.B. 654** by Glasgow Jurisprudence
Relating to the managing conservatorship of a child.
- S.B. 655** by Glasgow Economic Development
Relating to provision of maternity benefits for mothers of adopted children.
- S.B. 656** by Glasgow Jurisprudence
Relating to health, social, educational, and genetic history reports in suits affecting the parent-child relationship in which an adoption is sought.

CO-AUTHOR OF SENATE BILL 625

On motion of Senator Green and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 625**.

CO-AUTHOR OF SENATE BILL 626

On motion of Senator Green and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 626**.

CO-AUTHOR OF SENATE BILL 627

On motion of Senator Green and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 627**.

GUEST PRESENTED

Senator Brooks was recognized and introduced the Capitol Physician for the Day, Dr. Weldon G. Kolb of La Marque.

Dr. Kolb was welcomed by the Senate and received an expression of appreciation for his service.

SENATE RESOLUTION 135

Senator Blake offered the following resolution:

WHEREAS, The Nacogdoches County Chamber of Commerce is sponsoring Nacogdoches Day in Austin, Wednesday, March 4, at the Hyatt Regency Hotel; and

WHEREAS, A reception and dinner will be held in honor of state elected and appointed officials beginning at 6 p.m.; and

WHEREAS, Nacogdoches has long been known as the "Oldest Town in Texas" and more recently as one of the "Ten Best Places to Live in the United States," according to U.S. News and World Report; and

WHEREAS, Nacogdoches is the home of the Old Stone Fort which was familiar to such figures as Davy Crockett, Sam Houston, Jim Bowie, and Thomas J. Rusk and is the resting ground for four signers of the Texas Declaration of Independence who are buried in the Oak Grove Cemetery; and

WHEREAS, Proud of their rich historical tradition and heritage, Nacogdoches has preserved the Tol Barrett House belonging to the man who drilled the first

producing oil well in Texas, and the Nacogdoches Chamber of Commerce is housed in a Mediterranean villa which was designed by Dietrich Rulfs and which was the home of Eugene H. Blount, a member of the 37th and 39th Texas Legislatures, and the site of the homestead of Thomas J. Rusk, a former Senator and Chief Justice of the Texas Supreme Court; and

WHEREAS, Bob Murphey, former Sergeant-at-Arms for the Texas House of Representatives and renowned humorist, will provide unique East Texas humour at the gala affair; and

WHEREAS, There will be plenty of good food, refreshments, and Nacogdochians; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby proclaim Wednesday, March 4, as "Nacogdoches Day in Austin"; and, be it further

RESOLVED, That the Texas Senate hereby join with the citizens of Nacogdoches in a grand celebration of Nacogdoches Day; and, be it further

RESOLVED, That a copy of this resolution be prepared for the City of Nacogdoches in recognition of this splendid occasion as an expression of congratulations and best wishes from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Blake introduced citizens from Nacogdoches seated in the gallery.

Senator Blake escorted Mr. Bob Murphey to the President's Rostrum. Following a presentation of an enrolled copy of S.R. 135 to him, Mr. Murphey addressed the Senate.

SENATE RESOLUTION 136

Senator Parker offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize Charles "Charlie" Schmucker of Beaumont, who completes 38 continuous years of broadcasting agriculture news on March 1, 1987; and

WHEREAS, Born in Naptann, Indiana, on December 21, 1910, Mr. Schmucker came to Texas in 1918 to Hamshire Community; he later completed a two-year educational program at Lamar University and taught school for two years at Hamshire Elementary before attending Texas A&M University and receiving his bachelor's and master's degrees; and

WHEREAS, In 1937 he began teaching vocational agriculture at Bellville and later taught at Yoakum High School; and

WHEREAS, He moved to Beaumont in 1947 and became associated with the First Security Bank as the head agriculture loan officer, a position he held for 20 years; after his retirement from the bank, he was in charge of the development fund for Lamar University for three years; and

WHEREAS, Charlie Schmucker was honored in 1984 by the Texas Farmers Union when they presented him the Outstanding Media Award for outstanding broadcasting in explaining the predicament of the American farmer; his broadcasts helped listeners to learn of the farmer's difficulties and examine possible solutions; and

WHEREAS, A member of the Farm Broadcasters Association since 1949, he was with KTRM radio station in Beaumont originally and now broadcasts from radio station KLVI in Beaumont; his show is the longest-running farm news program in the State of Texas and one of the longest-running in the United States; and

WHEREAS, A Methodist, Aggie, and Democrat, Mr. Schmucker is dedicated to all three — his alma mater, Texas A&M; his church, First Methodist Church of Beaumont; and his party; and

WHEREAS, Countless Texans have been kept apprised of the latest improvements in farming methods and of pertinent agriculture news because of his exceptional knowledge; the State of Texas has benefited enormously from the wisdom and expertise of this illustrious gentleman who has conscientiously discharged his duties in an exemplary manner; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend and applaud Charles "Charlie" Schmucker for his 38 years of continuous agriculture news broadcasts; and, be it further

RESOLVED, That a copy of this resolution be prepared for Mr. Schmucker as an expression of deep appreciation and gratitude for his dedication from the Texas Senate.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was adopted viva voce vote.

GUEST PRESENTED

Senator Parker introduced Mr. Schmucker, seated at the President's Rostrum.

The Senate welcomed Mr. Schmucker as its guest for the day as the President presented him with an enrolled copy of S.R. 136.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 88

MESSAGE FROM THE HOUSE

House Chamber
March 4, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 299, Relating to the purposes for which funds appropriated to the Southwest Collegiate Institute for the Deaf may be expended.

H.C.R. 24, Inviting the Honorable James Wright, Speaker of the U.S. House of Representatives, to address a Joint Session.

H.C.R. 83, Honoring the women legislators on the occasion of Women's History Month in Texas.

H.C.R. 86, Encouraging the sister city relationship between Austin and Adelaide, Australia.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 430 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 430, Relating to the deadline for the filing of annual financial reports with the State Pension Review Board.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 430 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 430** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sarpalius.

MEMORIAL RESOLUTIONS

S.R. 151 - By Glasgow: Memorial resolution for Alfred Aabye Madsen.

S.R. 152 - By Glasgow: Memorial resolution for Julia West (Pearl) Andrus.

S.R. 153 - By Glasgow: Memorial resolution for Emmett Edgar McFall.

S.R. 154 - By Glasgow: Memorial resolution for the Honorable Charles Dickens.

S.R. 155 - By Glasgow: Memorial resolution for Carl E. Privitt.

CONGRATULATORY RESOLUTIONS

S.R. 149 - By Lyon: Commending Robert E. Mercer and the Kelly-Springfield Tire Company for the development and production of the radial tire.

S.R. 150 - By Johnson: Commending Charles Timms.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:25 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(March 4, 1987)

S.C.R. 17

S.B. 88